

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

WENDY GAIL WHITE,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 1:06cv354-SRW
)	(WO)
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER

Plaintiff brought the present action pursuant to 42 U.S.C. § 405(g) seeking judicial review of a decision by the Commissioner of Social Security denying her benefits under the Social Security Act. On April 20, 2007, this court reversed the decision of the Commissioner and remanded the case for further proceedings pursuant to sentence four of § 405(g). Plaintiff has filed a motion (Doc. # 21) for an award of attorney's fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d)(1)(A). Plaintiff's application seeks fees in the total amount of \$3,332.64 for 20.55 hours of work before this court. The Commissioner does not contest the amount of the fee sought by plaintiff. Upon an independent review of the record, the court concludes that the position of the Commissioner in this litigation was not substantially justified and, further, that an award of \$3,332.64 is reasonable.

Plaintiff's motion requests that the award of fees be made to her attorneys. Defendant objects to this request. For the reasons stated in Crittenden v. Astrue, Civil Action No.

2:05cv616-SRW (Doc. # 32), the court concludes that the EAJA fee award is payable to the plaintiff.

CONCLUSION

Accordingly, it is

ORDERED that plaintiff's motion for attorney's fees (Doc. # 21) is GRANTED to the extent that plaintiff is awarded EAJA fees in the amount of \$3,332.64.

DONE, this 30th day of October, 2007.

/s/ Susan Russ Walker
SUSAN RUSS WALKER
UNITED STATES MAGISTRATE JUDGE